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| 09/727,909      | 11/30/2000  | Robert Denton Silfvast | P514                | 3696             |

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CENTRAL COAST PATENT AGENCY  
PO BOX 187  
AROMAS, CA 95004

EXAMINER

GRIER, LAURA A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2644

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/727,909

Applicant(s)

SILFVAST ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 32-37 is/are rejected.
- 7) ☒ Claim(s) 25-31 and 38-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. **Claim 9** is objected to because lines 10-11 recite “the cache memory”. There insufficient antecedent basis. Appropriate correction is required.
2. **Claim 40** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The electronic processing device has been claimed in claim 32.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, and 4-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Juszkievicz et al., U.S. Patent No. 6353169.

Regarding **claim 1**, Juszkievicz discloses a universal audio communications and control system and method. Juszkievicz disclosure comprises an amplifier (13) that receives and

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outputs audio data sent by a guitar (col. 5, lines 65-67 and col. 34, lines 23-26), which reads on audio-signal input and audio-signal output; further the amplifier comprises a DSP which receives sound effects programs (col. 34, lines 56-67 and col. 35, lines 1-2 and lines 30-34), which reads on a digital signal processor applying audio-signal sound effects and the laptop inherently supports one or more memory slots for receiving one or more modular components, wherein it stores sound effects programs, and further the modular component may be implement through the use of software plugs-ins with particular devices as indicated by Juskiewicz (col. 35, lines 30-34), and further indicates an input control mechanism for control the parameters of the audio signal, such as volume control knobs, tone control, etc. (col. 5, lines 59-65 and col. 37, lines 17-24), which reads on an input control mechanism wherein the control may be used to control the parameters of the effects applications from the memory modules.

Regarding **claim 4**, Juskiewicz discloses everything claimed as applied above (see claim 1). Juskiewicz discloses a guitar and other musical instruments in general, which reads on the peripheral audio source device being and instrument.

Regarding **claim 5**, Juskiewicz discloses everything claimed as applied above (see claim 1). Juskiewicz discloses the use of software plugs-ins with particular devices such as DSP computer which supports the memory module(s) components having digital signal processing circuitry.

Regarding **claims 6-8**, Juskiewicz discloses everything claimed as applied above (see claim 1). Juskiewicz discloses the use of software plugs-ins (programmable memory, Flash memory) with particular devices.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Juszkievicz in view of Roberts et al., U. S. Patent No. 6330593.

Regarding **claims 2 and 3**, Juszkievicz discloses everything claimed as applied above (see claim 1). However, Juszkievicz fails to specifically disclose a network in which the processing device interfaces. The examiner maintains that such a network was well known in the art.

Regarding the network, Roberts et al. (herein, Roberts) discloses a system for collecting use data related to playback of recordings. Roberts discloses a network coupled to a pc (personal computer) wherein software applications of plug-ins are used for download audio data (such as volume control, equalization) on the Internet, which reads on a network (external source) for hosting audio-signal effects (col. 1, lines 66-67 and col. 2, lines 1-13 and col. 5, lines 45).

It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the invention of Juszkievicz by implement and network for hosting the external effect such as the Internet to download audio effects to the processing device fro processing the audio signal of the guitar/instrument for the purpose of enhancing the music industry and its musicians with the continued evolution of Internet standards, and capabilities.

7. **Claims 2-3, and 9-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Juszkievicz in view of Bolas et al., U. S. Patent No. 6330593.

Regarding **claims 2 and 3**, Juszkievicz discloses everything claimed as applied above (see claim 1). However, Juszkievicz fails to specifically disclose a network in which the processing device interfaces. The examiner maintains that such a network was well known in the art.

Regarding the network, in a similar field of endeavor, Bolas et al. (herein, Bolas) discloses an Internet radio coupled with a personal computer system for downloading audio via software application such as plug-ins via the Internet, wherein the audio data files (which obviously can include audio effects) are transmitted from an audio file server to a processor to the audio device (col. 4, lines 29-45 and col. 7, lines 42-65 and figures 2-4), which reads on the external source for the audio signal hosted on a network.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Juszkievicz by incorporating the technology of the Internet for providing audio effects and/or audio data to particular musical device for the purpose of enhancing the musicians and/or audio professionals technique of processing audio with improved quality, convenience and efficiency for editing and enhancing the audio sound of a signal.

Regarding **claims 9-10**, Juszkievicz and Bolas discloses everything claimed as applied above (see claim 2). Bolas discloses a processor storing the network connection and navigation software, and the system may include various communication means, such as modem cards, modems, cable modems, network interface cards, etc.; and person computer system as well as the peripheral device comprises a display which indicates the connections; and it is obvious that the

processor of the computer system would include its own memory for storing information downloaded from the Internet (col. 4, lines 29-45 and col. 7, lines 42-65 and figures 2-4).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Juskiewicz by incorporating the technology of the Internet for providing audio effects and/or audio data to particular musical device for the purpose of enhancing the musicians and/or audio professionals technique of processing audio with improved quality, convenience and efficiency for editing and enhancing the audio sound of a signal.

Regarding **claim 11**, Juskiewicz and Bolas discloses everything claimed as applied above (see claim 9). Bolas discloses the communication connection as possibly being wireless modem circuitry (col. 3, lines 22-27 and 45-51). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Juskiewicz by incorporating wireless modem connection for the purpose of alleviating the use of bothersome cables wires.

Regarding **claim 12 and 13**, Juskiewicz and Bolas discloses everything claimed as applied above (see claim 9). Juskiewicz and Bolas, both disclose a display for the convenience of the user to view the results of the downloaded audio effects/data.

Regarding **claim 14**, Juskiewicz and Bolas discloses everything claimed as applied above (see claim 9). Bolas discloses the communication connection being a dial-up modem circuitry (col. 3, lines 22-27). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Juskiewicz by incorporating dial-up modem connection for the purpose of providing an economic and conventional way of assessing the Internet.

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8. **Claims 15-24, 32-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolas.

Regarding **claims 15, 20 and 32**, Regarding the network, in a similar field of endeavor, Bolas discloses an Internet radio coupled with a personal computer system for downloading audio via software application such as plug-ins via the Internet, wherein the audio data files are transmitted from an audio file server, which reads on a data storage repository and data server; and a processor to the audio device (col. 3, lines 45-67 and col. 4, lines 1-9 and 29-45 and col. 7, lines 42-65 and figures 2-4), which reads on the claimed limitations. Eventhough, Bolas fails to specifically disclose audio effects. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Bolas by implementing download audio effects from an external data source for the purpose of enhancing musicians and/or audio professionals technique of processing audio with improved quality, convenience and efficiency for editing and enhancing the audio sound of a signal.

Regarding **claims 16, 21 and 33**, Bolas discloses everything claimed as applied above (see claim 15 and 20, and 32 respectively). Bolas discloses the Internet.

Regarding **claim 17**, Bolas discloses everything claimed as applied above (see claim 15). Bolas discloses a computer processor (figure 2 –reference 21) and (figure 4 –reference 43), which indicates an internal processor.

Regarding **claims 18 and 19**, Bolas discloses everything claimed as applied above (see claim 15). Bolas discloses the communication connection as possibly being wireless modem circuitry (col. 3, lines 22-27 and 45-51), which reads on the network connection being wireless and wired.



Regarding **claims 23-24 and 34-35**, Bolas discloses everything claimed as applied above (see claim 20 and 32, respectively). Bolas discloses the Internet host as a personal computer system (figure 4) connect to the electronic processing device via serial connection (including wireless connection and with cable) - col. 3, lines 22-27 and 45-51.

Regarding **claim 36**, Bolas discloses everything claimed as applied above (see claim 32). Bolas discloses an audio file server, which indicates a data server and further discloses a browser for navigating (figure 4 and col. 7, lines 42-59).

Regarding **claim 37**, Bolas discloses everything claimed as applied above (see claim 32). Bolas discloses that memory may be of various forms (col. 3, lines 63-67), which reads on a modular memory card.

#### ***Allowable Subject Matter***

9. **Claims 25-31 and 38-39** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks


Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG   
August 25, 2003

  
**MINSUN OH HARVEY  
PRIMARY EXAMINER**